

CLAIM, TOGETHER WITH INTEREST;

(ii) ALL COSTS INCIDENT TO THE BRINGING OF SUIT; AND

(iii) ALL COST AND EXPENSES WHICH RESULT FROM THE ENFORCEMENT OF THE LIEN AND ARE INCURRED BEFORE THE LIENOR WAS NOTIFIED THAT THE BOND WAS FILED.

(4) FILING OF THE BOND STAYS EXECUTION UNDER THE LIEN UNTIL FINAL JUDICIAL DETERMINATION OF THE DISPUTE.

(5) IF SERVICE OF PROCESS BY A LIENOR ON THE OWNER IS RETURNED NON EST AFTER FILING OF A BOND, SERVICE MAY BE MADE BY PUBLICATION AS IN THE CASE OF A SUIT AGAINST A NONRESIDENT.

(6) IF SUIT IS NOT INSTITUTED BY THE LIENOR WITHIN SIX MONTHS AFTER THE BOND IS FILED, THE BOND IS DISCHARGED.

REVISOR'S NOTE: This section is new language which combines without substantive change the provisions of Art. 63, §§ 35, 42, and 53(b).

In subsection (b)(1) of this section, the present reference to a "good and sufficient" bond is deleted as unnecessary.

With respect to the phrase "clerk of the court" in subsection (b)(2) of this section, see §16-201(d) of this subtitle and revisor's note to that subsection.

With respect to subsection (b)(5) of this section, it should be noted that while this subsection permits service by publication after process is returned non est one time, Maryland Rule 105 generally permits service by publication only after two non ests.

In subsection (b)(6) of this section, the more correct term "discharged" is substituted for "null and void."

16-207. UNPAID ACCOUNT SETTLED BY PUBLIC SALE.

(A) SALE OF PROPERTY.

IF THE CHARGES WHICH GIVE RISE TO A LIEN ARE DUE AND UNPAID FOR 30 DAYS AND THE LIENOR IS IN POSSESSION OF THE PROPERTY SUBJECT TO THE LIEN, THE LIENOR MAY SELL THE